

John Michael BALBO #P-65407
 C-SATF-STATE PRISON
 P.O. Box 5242
 CORCORAN, CA: 93212-5242
 IN PRO SE.

FILED

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

John Michael BALBO,

Plaintiff,

vs.

JAMES E. TILTON, Secretary,
 CDCR, Ken CINKA, Warden SATF,
 State Prison, et al. Defendants,

-WHA-
 CASE NO. CV-08-0159

PRISONER'S
 APPLICATION TO PROCEED
 IN FORMA PAUPERIS

I, John Michael BALBO #P-65407

declare, under penalty of perjury that I am the
 plaintiff in the above entitled case and that the information I offer throughout this application
 is true and correct. I offer this application in support of my request to proceed without being
 required to prepay the full amount of fees, costs or give security. I state that because of my
 poverty I am unable to pay the costs of this action or give security, and that I believe that I am
 entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ☐ No ☒ ADA-HANDICAPPED
 If your answer is "yes," state both your gross and net salary or wages per month, and give the
 name and address of your employer:

Gross: N/A Net: _____

Employer: _____

IMPAIRED IN EACH
 Vision/Hearing
 mobility

1 If the answer is "no," state the date of last employment and the amount of the gross and net
 2 salary and wages per month which you received. (If you are imprisoned, specify the last
 3 place of employment prior to imprisonment.)

4 ~~employed as Auto Body Collision / Paint / Man-~~ *I Believe self*
 5 ~~But, Because of my serious Bouts with~~
 6 ~~Lymphoma Non-Hodgkin's Cancer, I was forced to -~~
 7 ~~Retire.~~

8 2. Have you received, within the past twelve (12) months, any money from any of the
 9 following sources:

- 10 a. Business, Profession or Yes ___ No X
 11 self employment
 12 b. Income from stocks, bonds, Yes ___ No X
 13 or royalties?
 14 c. Rent payments? Yes ___ No X
 15 d. Pensions, annuities, or Yes ___ No X
 16 life insurance payments?
 17 e. Federal or State welfare payments, Yes ___ No X
 18 Social Security or other govern-
 19 ment source?

20 If the answer is "yes" to any of the above, describe each source of money and state the amount
 21 received from each.

22 _____
 23 _____

24 3. Are you married? Yes ___ No X

25 Spouse's Full Name: N/A She's Deceased - SHE WAS A

26 Spouse's Place of Employment: Court Clerk, then Became an Attorney

27 Spouse's Monthly Salary, Wages or Income: Mostly in Litigation - Corporate

28 Gross \$ _____ Net \$ _____

4. a. List amount you contribute to your spouse's support: \$ _____

*I need Immediate special
protective-orders of the
Court. A.S.A.P.*

- b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

*All children are Grown Adults/And have inherited
everything - my wife had, And I ever had.*

5. Do you own or are you buying a home? Yes ___ No X

Estimated Market Value: \$ _____ Amount of Mortgage: \$ _____

6. Do you own an automobile? Yes ___ No X

Make N/A Year N/A Model N/A

Is it financed? Yes N/A No N/A If so, Total due: \$ N/A

Monthly Payment: \$ N/A

7. Do you have a bank account? Yes ___ No X (Do not include account numbers.)

Name(s) and address(es) of bank: N/A

Present balance(s): \$ N/A

Do you own any cash? Yes X No ___ Amount: \$ Very small Amount - to

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes ___ No ___
*Keep me sustained for a year. At approximately
\$180.00 month. That's all we are
allowed to spend now.*

8. What are your monthly expenses?

Rent: \$ _____ Utilities: _____

Food: \$ 180.00 mo. / And soap, vitamins / personal clothes /

Charge Accounts: typewriter ribbons \$7.80 ea. x 5 a month.

Name of Account	Monthly Payment	Total Owed on This Acct.
<u>INMATE / personal account I think?</u>		
	\$ _____	\$ _____
	\$ _____	\$ _____

I WAS TOLD BY A CORRECTIONS OFFICER TO
SEND THE ATTACHED PAPERS TO THE TRUST-ACCT OFFICER
AND THEY WILL MAIL TO THE COURT AN ACCOUNTING OF MY INMATE

Account. It could TAKE 2 WKS. I DON'T HAVE
THAT KIND OF TIME TO GO WITHOUT IMMEDIATE
COURT INTERVENTION. I NEED EMERGENCY
ACTION BY THE COURT.

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable. Do not include account numbers.)

I owe my sister
DIANE \$5,750.00 / My Brother George \$8,500.00
And my sister-in-law NANCY COSTELLO \$1,500.00.

10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes ___ No X As to RAPE etc. issues.

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed. Similar issues were filed - but ARE not

yet formally filed, and I want them consolidated into
this action - I wish to withdraw the other action that

BEGAN IN THIS COURT. BATHOV. TILTON ET AL.
I consent to prison officials withdrawing from my trust account and paying to the court
CASE NO. CV-01715-LGO-GSA.
the initial partial filing fee and all installment payments required by the court.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

1-21-08 JMB

DATE

SIGNATURE OF APPLICANT

Which was sent out to Fresno - to a
MAGISTRATE Judge - whom I did not
want - And I asked respectfully to
Decline a Magistrate Being assigned and mailed
it to this court! The respondent's more
than likely opened my confidential legal
mails w/out my consent - And did not forward
my processed confidential - legal mails to
this court. which has sabotaged my rights
to access the courts - therefore, further -

Are the courts also afraid of the power CDCR has?
If so, then I am doomed to die unlawfully!

THIS is page 4-A.

continue each. Delaying, hampering,
and/or interfering with rights, state, federal,
constitutional state & federal rights to access
the courts, and redress conduct and actions
taken against me - by respondents.

Respondents wish to do some underhanded
unlawful judge shopping - in order to
buy their way out of their liability ... which
smacks of collusion and a part of the
corruption - political and otherwise that
respondents enjoy because of their serious
sizable clout - of union that pressures
everyone to bow down - I won't have it
and I want pure justice. If it were
one of the respondent's elderly handicapped
family members who were beaten & raped,
then it would be front page news for weeks
at a time - T.V. and the governor himself would
have held & held press conferences all about how
horrible a crime - for an old cripple man to be
beaten and raped. I need and want a
very damn good attorney to fight back against
this sort of criminal - conduct and the respondent
negligence and collusion - oppression.

So please help me! God Bless! *[Signature]*

I want to be transported to court, so I can see me, speak to me - directly as I am!

ORIGINAL
FILED

JAN 11 2008

RICHARD W. WIEKING
CLERK OF COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

(PR)
WH

CV 08

0159

Dear Sir or Madam:

Your petition has been filed as civil case number _____.

X A filing fee of \$5.00 is now due. If you are unable to pay the entire filing fee at this time, you must sign and complete this court's Prisoner's In Forma Pauperis Application in its entirety. If the application is granted, you will not have to prepay the fee.

Your petition is deficient because you did not pay the filing fee and:

1. ☒ you did not file an In Forma Pauperis Application.

2. _____ the In Forma Pauperis Application you submitted is insufficient because:

_____ You did not use the correct form. You must submit this court's current Prisoner's In Forma Pauperis Application.

_____ Your In Forma Pauperis Application was not completed in its entirety.

_____ You did not sign your In Forma Pauperis Application.

_____ You did not submit a Certificate of Funds in Prisoner's Account completed and signed by an authorized officer at the prison.

_____ You did not attach a copy of your prisoner trust account statement showing transactions for the last six months.

_____ Other _____

Enclosed you will find this court's current Prisoner's In Forma Pauperis Application, which includes a Certificate of Funds in Prisoner's Account form, and a return envelope for your convenience.

Warning: YOU MUST RESPOND TO THIS NOTICE. If you do not respond within **THIRTY DAYS** from the filing date stamped above, your action will be **DISMISSED**, the file closed and the entire filing fee will become due immediately. Filing a Prisoner's In Forma Pauperis Application will allow the court to determine whether prepayment of the filing fee should be waived.

Sincerely,
RICHARD W. WIEKING, Clerk,

By _____
Deputy Clerk

BALBO

I AM BEING DEVOIDED MY CONSTITUTIONAL RIGHTS AND MY
 RIGHT TO ACCESS THE COURTS AND GIVE MYSELF A HEAR-
 DYING AT THE REPRISALS OF THE RESPONDENTS. I HAVE TWO OR 3-
 SEPARATE LIFE OR DEATH TESTIMONIALS.

THAT ARE BEING
 IGNORED / NEGLECTED
 BECAUSE RESPONDENTS
 DETENTION - NOT SO F
 CONCEPT - COLLUSION!

Need Counsel A.S.A.P.!

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

INSTRUCTIONS FOR PRISONER'S IN FORMA PAUPERIS APPLICATION

You must submit to the court a completed Prisoner's In Forma Pauperis Application if you are unable to pay the entire filing fee at the time you file your complaint or petition. Your application must include copies of the prisoner trust account statement showing transactions for the last six months and a certificate of funds in prisoner's account, signed by an authorized officer of the institution.

A. Non-habeas Civil Actions

Effective April 9, 2006, the filing fee for any civil action other than a habeas is \$350.00. Even if you are granted leave to proceed in forma pauperis, you must still pay the full amount of the court's filing fee, but the fee will be paid in several installments. 28 U.S.C. § 1915.

You must pay an initial partial filing fee of 20 percent of the greater of (a) the average monthly deposits to your account for the 6-month period immediately before the complaint was filed or (b) the average monthly balance in your account for the 6-month period immediately before the complaint was filed. The court will use the information provided on the certificate of funds and the trust account statement to determine the filing fee immediately due and will send instructions to you and the prison trust account office for payment if in forma pauperis status is granted.

After the initial partial filing fee is paid, your prison's trust account office will forward to the court each month 20 percent of the most recent month's income to your prison trust account, to the extent the account balance exceeds ten dollars (\$10.00). Monthly payments will be required until the full filing fee is paid. If you have no funds over ten dollars (\$10.00) in your account, you will not be required to pay part of the filing fee that month.

If your application to proceed in forma pauperis is granted, you will be liable for the full \$350.00 filing fee even if your civil action is dismissed. That means the court will continue to collect payments until the entire filing fee is paid. However, if you do not submit this completed application the action will be dismissed without prejudice and the filing fee will not be collected.

B. Habeas Actions

The filing fee for a habeas action is \$5.00. If you are granted leave to proceed in forma pauperis you will not be required to pay any portion of this fee. If you are not granted leave to proceed in forma pauperis you must pay the fee in one payment and not in installments. If you use a habeas form to file a non-habeas civil action, you will be required to pay the \$350.00 filing fee applicable to all non-habeas civil actions.

I HAVE ASKED DR. LEN BERGANTINO
 TO SEND THE COURT THE \$5.00 fee.
 THE RESPONDENTS - HAVE ONE IN SOLITARY
 CONFINEMENT - I CAN'T CALL, AND SOME CRAIL OF
 MY INITIAL LEGAL OR OTHER WISE TO
 ATTORNEYS / AND ACLU / NNACP, ETC. MAY NOT BE
 GETTING THERE?